



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 30, 2004, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair Sacks followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: McKillop, Bogue, Peixoto, and Zermeño
CHAIRPERSON: Sacks
Absent: COMMISSIONER: Thnay

Staff Members Present: Anderly, Conneely, Rizk, Macias

General Public Present: Approximately 25

PUBLIC COMMENTS

Jane Bjorner, resident of Hayward for 25 years who has lived in the Shapell development in the Mt. Eden area, spoke about Middle Lane. She stated the street has many pot holes and they have been patched over and over, but the repair does not last long. She further complained about transients in Greenwood Park directly behind her home. The transients scare the children away, they are drinking and smoking pot, and they sit in the park for hours. She has called police several times. She would like staff to contact her to resolve some of these issues once and for all.

PUBLIC HEARINGS

1. **I. Prezone (PL-2004-0313)** – Consideration of Prezoning and Related Final Environmental Impact Report Associated with the Proposed Mt. Eden Annexation
- II. Text Amendment (PL-2004-0338)** - Consideration of Amendments to the Light Manufacturing, Planning/Research and Development District (LM) Provisions and Related Negative Declaration Associated with the Mt. Eden Annexation Study

Staff report submitted by Associate Planner Rizk, dated September 30, 2004, was filed

Associate Planner Rizk presented the staff report. He stated that the City has conducted a study for the last several months resulting in several documents, including a fiscal impact analysis, an infrastructure cost assessment, and an environmental impact report, including a local intersection traffic impact analysis. He also indicated that a Negative Declaration has been prepared that indicates adoption of proposed changes to the LM District provisions would not create significant environmental impacts.

Mr. Rizk indicated that the islands proposed to be annexed are in the County's Redevelopment

Project Area, which was formed in 2000, and explained that this means additional property tax revenues associated with new development in these areas would go to the redevelopment fund to be used specifically for infrastructure improvements in the five islands. He stated that there were no plans to remove the islands from the Redevelopment Project Area, even if annexation were to occur.

Mr. Rizk indicated that the costs for the infrastructure improvement are estimated at around \$9.5 million for the Saklan Road, Dunn Road, and Depot Road islands, with tax increment revenue funds anticipated to be used to pay for those improvements.

Mr. Rizk continued by indicating that because it appears that tax increment revenue funds would be available to pay for those improvements; many residents that were previously opposed to annexation were now willing to consider it. He said the City and County were now working together to pursue annexation of the other two islands in a later phase of annexation, which will require separate analysis and environmental review, anticipated for next year.

Mr. Rizk summarized the items requiring action by the Planning Commission and noted that the Mt. Eden Annexation was scheduled for a public hearing before the City Council on October 12, that the annexation package to LAFCO was expected to be submitted in November, with the LAFCO hearing anticipated in early 2005. He described the planned upgrades to the public water delivery system, the storm drain system, and the public sewer system.

Commissioner Peixoto asked for further information regarding the tax increment financing, impact on existing use permits, and fire and police protection services. Associate Planner Rizk noted that it was projected that there would be sufficient tax increment revenues to pay for the improvements, that current uses operating via County conditional use permits would be allowed to continue for the life of those permits, and that fire protection services were provided by the City, with annual reimbursements from the County. He concluded his response by indicating that police services were primarily provided by the County Sheriff, with Hayward Police also providing emergency response services.

Commissioner Zermeno inquired about the timeline for the second phase and more information regarding the determination of the number of additional dwelling units, and time allowed for existing residents to hook up to sewer lines. Associate Planner Rizk replied there is no specific timeline, but it is anticipated to occur throughout the following year. Planner Manager Anderly added that the City needs to identify funding for the second phase of annexation, including for environmental review that will need to be done. Mr. Rizk explained the number of units was determined by applying a mid-level density for the General Plan Land Use designation of medium density.

Chair Sacks commented on the height limit for fences in the light manufacturing district, noting that there currently is no limit and the proposed limit is 8 feet.

Chair Sacks opened the public hearing at 8:06 p.m.

Jim Lovell stated that he has received conflicting information on how the transformation will occur from the Mohrland Mutual Water Association to City water. He noted that the association stands to



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lose one-third of its business which will create a burden on the rest of the users of Mohrland, who will have to assume greater costs. He asked that he be provided clear, concise information regarding the schedule of changes.

Sandra Lovell asked for clarification regarding the frequency and type of inspections of septic tanks, as they can be very costly.

Allen Bertillion gave a history of the past attempts related to annexation of these areas. He stated that Supervisor Steele helped explain incremental taxation and that it means that the burden is not on the homeowner to pay for the work. He stated that the Mt. Eden Annexation EIR overlooked the Mohrland Water Association which was formed in 1932. He suggested a phase-in transition for the water system so there can be an alternate course. He further commented on the costs for testing septic systems, which he said was about \$600.

Bobby Pratt, who indicated she has lived in Hayward 44 years, commented on the beauty of the semi-rural area and how it hurts her to see it change. She said many of the residents are seniors who want the area to stay the same.

Juanita Gutierrez, who served as the chairperson of the City's Mt. Eden Task Force, asked that the task force recommendations be implemented prior to making additional changes. She indicated she disagreed with the traffic impact report stating that more traffic impacts would not be created as new homes will be built and families with several drivers will be added. She stated she has consistently fought for improvements to the area, and requested more stop signs be added and improvements to Greenwood Park be completed, including restroom facilities.

Robert Pratt spoke in opposition of only partial annexation. He also commented on the need for improvements to Greenwood Park.

Zachary Bode asked if research and development would be allowed in the Depot Road Island. Associate Planner Rizk confirmed that the proposed Industrial District rezoning designation allowed for heavier, more traditional industrial uses, as well as research and development uses, and that he did not anticipate that a special design or overlay district would be necessary.

Chair Sacks closed the public hearing at 8:28 p.m.

Commissioner Zermeno asked if it would be possible for staff to provide the straight forward information requested by Mr. Lovell.

Commissioner Bogue commented that he had participated in some of the annexation meetings and understood the septic system requirements and that the 10-year hook-up time period made sense. He indicated that currently, if the County standard is not met, upon failure, owners must connect to the City. He noted that many of those present have attended the other community meetings and they deserve to have the water and septic system issues addressed prior to the October 12 Council

meeting.

Associate Planner Rizk stated staff's current recommendation associated with changes to the City's sewer connection provisions is that owners would need to submit annual verification via an inspection that their septic systems were functioning properly and the staff's proposal was not intended to modify how the County conducts such inspections.

Commission McKillop agreed with Commissioner Bogue and she thanked everyone for their perseverance in the matter. She urged the residents of the area to continue to participate in meetings and, in particular, to attend the October 12 City Council meeting.

Commissioner Peixoto asked if there was anything that could be done to mitigate the losses to the Mohrland Water Association. Associate Planner Rizk noted that annexation does not mean that connection to City water would be required and that staff would try to clarify the issues as requested.

Planning Manager Anderly added that Mohrland has known for a long time that it would be phased out.

Chair Sacks agreed with Mr. Lovell that it was important to have clear and concise information.

Commissioner Zermeño moved, seconded by Commissioner McKillop, that the Planning Commission recommends to the City Council certification of the Environmental Impact Report associated with the proposed Mt. Eden annexation and rezoning as being prepared in accordance with the California Environmental Quality Act and City implementing guidelines, adoption of the Statement of Overriding Considerations, approval of the Mitigation Monitoring and Reporting Program, approval of amendments to the Zoning Ordinance (PL-2004-0313) that would change/establish rezoning designations for certain properties within unincorporated areas that are proposed for annexation, based on the findings attached to the agenda report, adoption of the Negative Declaration associated with changes to the "LM" District provisions (PL-2004-0338) and approval of a text amendment (PL-2004-0338) that would allow storage-related facilities as conditional uses, modify development standards and establish design and performance standard for uses in the Light Manufacturing, Planning/Research and Development (LM) District, based on findings attached to the agenda report, and the Planning Commission further recommends that water and septic system matters be resolved as much as possible before the October 12 City Council meeting.

Commissioner Peixoto questioned the need to add the latter portion of the motion.

Commissioner Bogue spoke in favor of adding the provision and agreed that he would like to see these issues addressed before the Council hearing.

Chair Sacks said she also agreed with the additional provision and supported the motion.



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The motion **carried** by the following vote:

AYES: COMMISSIONERS McKillop, Bogue, Peixoto, and Zermefio
CHAIRPERSON Sacks
NOES: None
ABSENT: Thnay (One Vacancy)
ABSTAIN: None

ADDITIONAL MATTERS

Planning Manager Anderly stated that based on provisions in the City's sign ordinance, the Planning Commission's decision regarding the Super 8 Motel sign made at the September 23 meeting is final and cannot be appealed to Council.

APPROVAL OF MINUTES

None.

ADJOURNMENT

The meeting was adjourned by Chair Sacks at 8:47 p.m.

APPROVED:

Julie McKillop, Secretary
Planning Commission

ATTEST:

Connie G. Macias
Deputy City Clerk